

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ROBERT MALETSKY,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:21-cv-01581
	:	
JACK'S GLASS INC.,	:	
Defendant.	:	

ORDER

AND NOW, this 5th day of October, 2021, upon consideration and review of the final Settlement Agreement received from counsel on September 24, 2021, for the reasons set forth during the telephone conference on September 8, 2021, and having found that the terms of the settlement are a fair and reasonable resolution of a bona fide dispute under the Fair Labor Standards Act (“FLSA”), *see* 29 U.S.C. § 216,¹ **IT IS HEREBY ORDERED THAT:**

1. The settlement is **APPROVED**.
2. The above-captioned action is **DISMISSED with prejudice**.
3. Except as otherwise provided in the Settlement Agreement, each party shall bear its own costs.

¹ Claims under the FLSA can be settled in two ways: (1) with the Secretary of Labor supervising the payment of unpaid minimum wages or unpaid overtime compensation pursuant to 29 U.S.C. § 216(c); or (2) with the district court’s approval of a settlement under 29 U.S.C. § 216(b). “The Third Circuit has not articulated a standard for analyzing FLSA settlements, but District courts routinely look to the *Lynn’s Food Stores* standard when a party seeks judicial approval of an FLSA settlement.” *Hunter v. M-B Cos.*, No. 19-cv-04838, 2020 U.S. Dist. LEXIS 127037, at *4 (E.D. Pa. July 20, 2020) (citing *Lynn’s Food Stores Inc. v. United States*, 679 F.2d 1350, 1354 (11th Cir. 1982)). Under this standard, a district court must determine that: (1) the settlement resolves a bona fide dispute over FLSA provisions; (2) the settlement is fair and reasonable to the Plaintiff-employee; and (3) the settlement does not frustrate implementation of the FLSA in the workplace. *See id.*; *Gabrielyan v. S.O. Rose Apartments LLC*, No. 15-cv-1771, 2015 U.S. Dist. LEXIS 135615, at *2-4 (D.N.J. Oct. 5, 2015).

4. The case is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge